

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

TAMMY JARAMILLO,

Plaintiff,

v.

No. 1:21-cv-01119-MIS-KK

TAOS COUNTY BOARD OF  
COMMISSIONERS, et al.,

Defendants.

**ORDER GRANTING  
SUMMARY JUDGMENT IN FAVOR OF DEFENDANT JERRY HOGREFE**

**THIS MATTER** having come before the Court upon Defendant Jerry Hogrefe's Motion for Summary Judgment Based on Qualified Immunity (Doc. 18), wherein Defendant sought qualified immunity as to all claims based on 42 U.S.C. Section 1983 and summary judgment as to all Section 1983 claims and all tort claims pled against him in Plaintiff's First Amended Complaint (Doc. 4), to wit: Counts 3, 4, 5, 6, 8, 10, 11 and two Count 9s, and the Court having considered the motion and the response (Doc. 27), reply (Doc. 28), Plaintiff's motion to strike reply (Doc. 32), Defendant's response to motion to strike reply (Doc. 33), Plaintiff's reply in support of motion to strike reply (Doc. 34) and Plaintiff's surreply (Doc. 39), and all affidavits, declarations and exhibits attached to the forgoing, and the Court having held a hearing on September 19, 2022, at which counsel for Plaintiff and Defendant Hogrefe appeared in person and were heard,

and at which counsel for all other parties appeared by Zoom, and the Court having considered all of the evidence, arguments and authority, and being fully advised,

**THE COURT HEREBY ORDERS** that the motion (Doc. 18) should be and hereby is GRANTED in all respects, and the Court hereby adopts and incorporates by reference herein all of its findings of fact and conclusions of law made by the Court orally at the September 19, 2022 hearing, as if they were fully set forth herein. As to all counts the Court finds Plaintiff has failed to meet her burden under Federal Rule of Civil Procedure 56(d) to show the existence of probable facts that would defeat summary judgment, and the Court further finds that Plaintiff has failed to meet her burden of showing her entitlement to discovery in the context of the qualified immunity jurisprudence. The Court finds and concludes that Defendant Jerry Hogrefe is entitled to qualified immunity and summary judgment as to Counts 8, 9 (first), 9 (second) and 10, and to summary judgment as to Counts 3, 4, 5, 6 and 11, and the Court hereby dismisses with prejudice the entirety of the First Amended Complaint as against Defendant Hogrefe.

**IT IS SO ORDERED.**

A handwritten signature in black ink that reads "Margaret Strickland". The signature is written in a cursive, flowing style.

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**MARGARET STRICKLAND**  
UNITED STATES DISTRICT JUDGE